

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SALLY PAGE,  
Plaintiff,  
v.  
MARK BROBERG,  
Defendant.

Case No. 22-cv-06194-JSW

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL AND  
REQUIRING DEFENDANT TO FILE  
NOTICE OF APPEARANCE**

Re: Dkt. No. 24

Now before the Court for consideration is the motion to withdraw as counsel for Defendant Mark Broberg (“Broberg”) filed by his current counsel Jason Sommer and Christina Nugent of Hansen, Kohls, Sommer & Jacob, LLP. Counsel requests withdrawal pursuant to Rule 1.16 of the California Rules of Professional Conduct and Civil Local Rule 11-5. Mr. Broberg has filed a declaration stating his non-opposition to counsel’s motion. Plaintiff has not filed a response to the motion.

The Local Rules permit an attorney to withdraw as counsel of record if: (1) written notice has been given reasonably in advance to the client and all other parties in the action; and (2) the attorney obtains leave of Court. N.D. Civ. L.R. 11-5(a). In this District, the conduct of counsel, including the withdrawal of counsel, is governed by the standards of professional conduct required of members of the State Bar of California. N.D. Civ. L.R. 11-4(a)(1); *see Nehad v. Mukasey*, 535 F.3d 962, 970 (9th Cir. 2008) (applying California Rules of Professional Conduct to attorney withdrawal). California Rule of Professional Conduct 1.16 provides several enumerated grounds pursuant to which counsel may properly seek to withdraw from a representation.

Additionally, “[c]ourts consider several factors when considering a motion for withdrawal, including: (1) the reasons counsel seeks to withdraw; (2) the possible prejudice that withdrawal

1 may cause to other litigants; (3) the harm that withdrawal might cause to the administration of  
2 justice; and (4) the extent to which withdrawal will delay resolution of the case.” *Atkins v. Bank of*  
3 *Am., N.A.*, 2015 WL 4150744, at \*1 (N.D. Cal. July 9, 2015) (citing *Deal v. Countrywide Home*  
4 *Loans*, 2010 WL 3702459, at \*2 (N.D. Cal. Sept. 15, 2010)). The decision to permit counsel to  
5 withdraw is within the sound discretion of the trial court. *United States v. Carter*, 560 F.3d 1107,  
6 1113 (9th Cir. 2009).

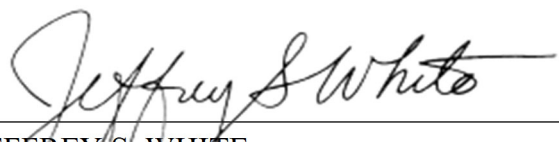
7 After reviewing counsel’s submission, the Court finds the reasons for withdrawal fall  
8 within those enumerated by California Rule of Professional Conduct 1.16(b). Further, granting  
9 withdrawal will not harm the other litigants as neither Broberg nor Plaintiff opposes counsel’s  
10 request. Withdrawal will also not harm the administration of justice or delay resolution of this  
11 case, which is in its early stages.

12 Accordingly, the Court finds good cause to GRANT the motion to withdraw. The Court  
13 HEREBY ORDERS that either Defendant Broberg must file a notice of intent to proceed *pro se* or  
14 Defendant’s new counsel must enter an appearance by no later than March 23, 2023. If Mr.  
15 Broberg intends to proceed *pro se* and represent himself in this matter, his notice of appearance  
16 must indicate his intention to proceed *pro se* and provide a reliable mailing address, telephone  
17 number, and/or email address for the Court to communicate with him. Information and assistance  
18 for pro se litigants, including information on how to register for ECF can be accessed online at:  
19 <https://www.cand.uscourts.gov/pro-se-litigants/>.

20 Mr. Sommer is instructed to serve this order upon Defendant Broberg. The hearing  
21 scheduled for March 10, 2023 is VACATED.

22 **IT IS SO ORDERED.**

23 Dated: February 21, 2023

24   
25 JEFFREY S. WHITE  
26 United States District Judge  
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